Paper 1 Tel: 571-272-4683 Filed: 10 May 2012

#### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

JOHN A. HOSSACK and SAMUEL H. MASLAK Junior Party (Patent No. 5,928,151)

V.

DAVID N. ROUNDHILL, MICHALAKIS AVERKIOU, and JEFFREY E. POWERS **Senior Party** (Application No. 09/617,318)

> Patent Interference No. 105,877 (JC) (Technology Center 3700)

 $DECLARATION - Bd. R. 203(b)^{1}$ 

<sup>&</sup>quot;Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

# Part A. Declaration of Interference

- 2 An interference is declared (35 U.S.C. § 135(a)) between the above-
- 3 identified parties. Details of the application, patent, count(s) and claims designated
- 4 as corresponding or as not corresponding to the count(s) appear in Parts E and F of
- 5 this DECLARATION.

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## Part B. Judge managing the interference

- 7 Administrative Patent Judge Josiah Cocks has been designated to manage
- 8 the interference. Bd. R. 104(a).

## 9 Part C. Standing order

- A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
- 11 DECLARATION. The STANDING ORDER applies to this interference.

#### 12 Part D. Initial conference call

- A telephone conference call to discuss the interference is set for 1:30 p.m.
- on 10 July 2012 (the Board will initiate the call).
- No later than four business days prior to the conference call, each party shall
- 16 file and serve (SO ¶¶ 10.1 & 105) a list of motions (Bd.R. 120; Bd.R. 204; SO ¶¶
- 17 104.2.1, 120 & 204) the party intends to file.
- A sample schedule for taking action during the motion phase appears as
- 19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
- schedule prior to the conference call and to agree on dates for taking action. A
- 21 typical motion period lasts approximately eight (8) months. Counsel should be
- prepared to justify any request for a shorter or longer period.

#### 2 **Junior Party** 3 Named Inventors: John A. Hossack, Palo Alto, CA 4 Samuel H. Maslak, Woodside, CA 5 6 **Involved Patent:** Patent 5,928,151, issued 27 July 1999, based on 7 application 08/924,407, filed 22 August 1997. 8 9 Title: Ultrasonic System and Method for Harmonic Imaging in Three Dimensions 10 11 Assignee: Siemens Medical Solutions USA, Inc. 12 13 14 **Senior Party** Named Inventors: David N. Roundhill, Bothell, WA 15 Michalakis Averkiou, Kirkland, WA 16 Jeffry E. Powers, Bainbridge Island, WA 17 18 **Involved Patent:** Application 09/617,318, filed 17 July 2000. 19 20 Title: System and Method for Three Dimensional 21 22 Harmonic Ultrasound Imaging 23 Assignee: Philips Ultrasound, Inc. 24 25 26 The senior party is assigned exhibit numbers 1001-1999. The junior party is 27 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior 28 party is responsible for initiating settlement discussions. SO ¶ 126.1. 29 30 31

Part E. Identification and order of the parties

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1	Part F. Count and claims of the parties
2	Count 1
3	Claim 1 of Hossack's 5,928,151 Patent
4	or
5	Claim 103 of Roundhill's Application
6	
7	The claims of the parties are:
8	Hossack: 1-104
9	Roundhill: 103-107
10	The claims of the parties which correspond to Count 1 are:
11	Hossack: 1-104
12	Roundhill: 103-107
13	The claims of the parties which do not correspond to Count 1 are:
14	Hossack: none
15	Roundhill: none
16	The parties are accorded the following benefit for Count 1:
17	Hossack: none
18 19 20	Roundhill: application 09/247,343, filed 08 February 1999, now patent 6,283,919.
21 22 23	application 08/943,546, filed 03 October, 1997, now patent 5,879,303.
24 25 26 27 28 29	application 60/032,771, filed 26 November, 1996.

1	Part G. Heading to be used on papers
2	The following heading must be used on all papers filed in this interference,
3	see SO ¶ 106.1.1:
4	
5	Filed on behalf of: Party @ Paper <u>Leave Blank</u>
6	By: Counsel Name(s) @
7	Address @
8	(@@@) @@@- @@@@ (telephone)
9	(@@@) @@@- @@@@ (facsimile)
10	
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15	BEFORE THE BOARD OF PATENT APPEALS
16	AND INTERFERENCES
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18	JOHN A. <b>HOSSACK</b> and SAMUEL H. MASLAK
19 20	Junior Party
21	(Patent No. 5,928,151)
22	V.
23	· ·
24	DAVID N. ROUNDHILL, MICHALAKIS AVERKIOU,
25	and JEFFREY E. POWERS
26	Senior Party
27	(Application No. 09/617,318)
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30	Patent Interference No. 105,877 (JC)
31	(Technology Center 3700)
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1	Part H. Order form for requesting file copies
2	When requesting copies of files, sue of SO Form 4 will greatly expedite
3	processing of the request. Please attach a copy of Parts E and F of this
4	DECLARATION with a hand-drawn circle around the patents and applications for
5	which a copy of a file wrapper is requested.
6 7 8	/Josiah C. Cocks/ Administrative Patent Judges
9	Enc:
10 11 12 13	Copy of STANDING ORDER (MARCH 2011) Copy of claims of Application 09/617,318 Copy of Patent 5,928,151
14	cc (via overnight mail):
15	
16	Attorney for Hossack:
17 18 19 20 21	SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN NJ 08830
22	Attorney for Roundhill:
23 24 25 26 27	DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT Columbia Center 701 Fifth Avenue, Suite 6100 Seattle, Washington 98104-7043